



Sen. Martin A. Sandoval

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LRB097 10200 HEP 53805 a

1 AMENDMENT TO SENATE BILL 2103

2 AMENDMENT NO. _____. Amend Senate Bill 2103, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Automated Traffic Control Systems in
6 Highway Construction or Maintenance Zones Act is amended by
7 changing Sections 15, 25, and 30 and by adding Sections 50 and
8 55 as follows:

9 (625 ILCS 7/15)

10 Sec. 15. Definitions. As used in this Act:

11 (a) "Automated traffic control system" means a
12 photographic device, radar device, laser device, or other
13 electrical or mechanical device or devices designed to record
14 the speed of a vehicle and obtain a clear photograph or other
15 recorded image of the vehicle, the vehicle operator, and the
16 vehicle's registration plate while the driver is violating

1 Section 11-605.1 of the Illinois Vehicle Code. The photograph
2 or other recorded image must also display the time, date, and
3 location of the violation. A law enforcement officer is not
4 required to be present or to witness the violation. The term
5 "automated traffic control system" excludes an automated speed
6 enforcement system as described in Section 50 of this Act.

7 (b) "Construction or maintenance zone" means an area in
8 which the Department of Transportation or the Illinois State
9 Toll Highway Authority has determined that the preexisting
10 established speed limit through a highway construction or
11 maintenance project is greater than is reasonable or safe with
12 respect to the conditions expected to exist in the construction
13 or maintenance zone and has posted a lower speed limit with a
14 highway construction or maintenance zone special speed limit
15 sign in accordance with Section 11-605.1 of the Illinois
16 Vehicle Code.

17 (c) "Owner" means the person or entity to whom the vehicle
18 is registered.

19 (Source: P.A. 93-947, eff. 8-19-04.)

20 (625 ILCS 7/25)

21 Sec. 25. Limitations on the use of automated traffic
22 enforcement systems.

23 (a) The Department of State Police must conduct a public
24 information campaign to inform drivers about the use of
25 automated traffic control systems in highway construction or

1 maintenance zones before establishing any of those systems. The
2 information campaign must provide 30 days' notice of the use of
3 a new automated traffic control system prior to the issuance of
4 any citations through the automated traffic control system. The
5 Department of State Police shall adopt rules for implementing
6 this subsection (a).

7 (b) Signs indicating that speeds are enforced by automated
8 traffic control systems must be clearly posted in the areas
9 where the systems are in use. The signs shall contain the
10 amount of the fine for a violation.

11 (c) Operation of automated traffic control systems is
12 limited to areas where road construction or maintenance is
13 occurring.

14 (d) Photographs obtained in this manner may only be used as
15 evidence in relation to a violation of Section 11-605.1 of the
16 Illinois Vehicle Code for which the photograph is taken. The
17 photographs are available only to the owner of the vehicle, the
18 offender and the offender's attorney, the judiciary, the local
19 State's Attorney, and law enforcement officials.

20 (e) If the driver of the vehicle cannot be identified
21 through the photograph, the owner is not liable for the fine,
22 and the citation may not be counted against the driving record
23 of the owner. If the driver can be identified, the driver is
24 liable for the fine, and the violation is counted against his
25 or her driving record.

26 (Source: P.A. 93-947, eff. 8-19-04.)

1 (625 ILCS 7/30)

2 Sec. 30. Requirements for issuance of a citation.

3 (a) The vehicle, vehicle operator, vehicle registration
4 plate, speed, date, time, and location must be clearly visible
5 on the photograph or other recorded image of the alleged
6 violation.

7 (b) A Uniform Traffic Citation must be mailed or otherwise
8 delivered to the registered owner of the vehicle. If mailed,
9 the citation must be sent via certified mail within 14 business
10 days of the alleged violation, return receipt requested.

11 (c) The Uniform Traffic Citation must include:

12 (1) the name and address of the vehicle owner;

13 (2) the registration number of the vehicle;

14 (3) the offense charged;

15 (4) the time, date, and location of the violation;

16 (5) the first available court date; ~~and~~

17 (6) notice that the basis of the citation is the
18 photograph or recorded image from the automated traffic
19 control system; and -

20 (7) a copy of the recorded image or images.

21 (d) The Uniform Traffic Citation issued to the violator
22 must be accompanied by a written document that lists the
23 violator's rights and obligations and explains how the violator
24 can elect to proceed by either paying the fine or challenging
25 the issuance of the Uniform Traffic Citation.

1 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
2 94-814, eff. 1-1-07.)

3 (625 ILCS 7/50 new)

4 Sec. 50. Automated speed enforcement systems.

5 (a) Notwithstanding any other provisions contained in
6 this Act, the Department of Transportation may install an
7 automated speed enforcement system within a highway
8 construction or maintenance zone under its jurisdiction and
9 impose civil penalties under this Section. Notwithstanding
10 any other provisions contained in this Act, the Illinois State
11 Toll Highway Authority may install an automated speed
12 enforcement system within a highway construction or
13 maintenance zone under its jurisdiction and impose civil
14 penalties under this Section.

15 (b) As used in this Section:

16 "Automated speed enforcement system" means a photographic
17 device, radar device, laser device, or other electrical or
18 mechanical device or devices installed in a highway
19 construction or maintenance zone designed to record the speed
20 of a vehicle and obtain a clear photograph or other recorded
21 image of the vehicle and the vehicle's registration plate while
22 the driver is violating Section 11-605.1 of the Illinois
23 Vehicle Code. The recorded image must also display the time,
24 date, and location of the violation. A law enforcement officer
25 is not required to be present or to witness the violation.

1 "Owner" means the person or entity to whom the vehicle is
2 registered.

3 "Recorded image" means images recorded by an automated
4 speed enforcement system on:

5 (1) 2 or more photographs;

6 (2) 2 or more microphotographs;

7 (3) 2 or more electronic images; or

8 (4) a video recording showing the motor vehicle and, on
9 at least one image or portion of the recording, clearly
10 identifying the registration plate number of the motor
11 vehicle.

12 (c) A body having jurisdiction over the highway
13 construction or maintenance zone that produces a recorded image
14 of a motor vehicle's violation of a provision of this Section
15 must make the recorded images of a violation accessible to the
16 alleged violator by providing the alleged violator with a
17 website address, accessible through the Internet.

18 (d) Notwithstanding any other consequence imposed for any
19 similar violation of the Illinois Vehicle Code, the penalty for
20 and consequence of a traffic violation recorded by an automated
21 speed enforcement system is a civil fine of \$150. Of the \$150
22 fine, \$50 shall be deposited into the Transportation Safety
23 Highway Hire-back Fund. Unless the driver of the motor vehicle
24 received a Uniform Traffic Citation, the motor vehicle owner is
25 subject to the civil penalty under this subsection (c), plus an
26 additional penalty of not more than \$150 for failure to pay the

1 original penalty in a timely manner, if the motor vehicle is
2 recorded by an automated speed enforcement system. Of the
3 additional penalty, \$50 shall be deposited into the
4 Transportation Safety Highway Hire-back Fund. A violation for
5 which a civil penalty is imposed under this Section is not a
6 violation of a traffic regulation governing the movement of
7 vehicles and may not be recorded on the driving record of the
8 owner of the vehicle.

9 (e) For each violation of a provision of this Section
10 recorded by an automated speed enforcement system, the body
11 having jurisdiction shall issue a written notice of the
12 violation to the registered owner of the vehicle as the alleged
13 violation. The notice shall be delivered to the registered owner
14 of the vehicle, by mail, within 30 days after the Secretary of
15 State notifies the body having jurisdiction of the identity of
16 the owner of the vehicle, but in no event later than 90 days
17 after the violation.

18 (f) The notice shall include:

19 (1) the name and address of the registered owner of the
20 vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the date, time, and location where the violation
25 occurred;

26 (5) a copy of the recorded image or images;

1 (6) the amount of the civil penalty imposed and the
2 date by which the civil penalty should be paid;

3 (7) a statement that recorded images are evidence of a
4 violation of a speed restriction;

5 (8) a statement that the person may elect to proceed
6 by:

7 (A) paying the fine; or

8 (B) challenging the charge in court, by mail, or by
9 administrative hearing; and

10 (9) a website address, accessible through the
11 Internet, where the person may view the recorded images of
12 the violation.

13 (g) Based on inspection of recorded images produced by an
14 automated speed enforcement system, a notice alleging that the
15 violation occurred shall be evidence of the facts contained in
16 the notice and admissible in any proceeding alleging a
17 violation under the Illinois Vehicle Code.

18 (h) Recorded images made by an automated speed enforcement
19 system are confidential and shall be made available only to the
20 alleged violator and governmental and law enforcement agencies
21 for purposes of adjudicating a violation of this Section, for
22 statistical purposes, or for other governmental purposes. Any
23 recorded image evidencing a violation of the Illinois Vehicle
24 Code, however, may be admissible in any proceeding resulting
25 from the issuance of the citation.

26 (i) The court or hearing officer may consider in defense of

1 a violation:

2 (1) that the motor vehicle or registration plates of
3 the motor vehicle were stolen before the violation occurred
4 and not under the control of or in the possession of the
5 owner at the time of the violation;

6 (2) that the driver of the motor vehicle received a
7 Uniform Traffic Citation for the same offence; and

8 (3) any other evidence or issues provided by
9 administrative rule.

10 (j) To demonstrate that the motor vehicle or the
11 registration plates were stolen before the violation occurred
12 and were not under the control or possession of the owner at
13 the time of the violation, the owner must submit proof that a
14 report concerning the stolen motor vehicle or registration
15 plates was filed with a law enforcement agency in a timely
16 manner.

17 (k) A road equipped with an automated speed enforcement
18 system shall be posted with a sign that is visible to
19 approaching traffic stating that vehicle speeds are being
20 photo-enforced.

21 (l) A road where a new automated speed enforcement system
22 is installed shall be posted with signs providing 30 days
23 notice of the use of a new automated speed enforcement system
24 prior to the issuance of any citations through the automated
25 speed enforcement system.

26 (m) The compensation paid for an automated speed

1 enforcement system must be based on the value of the equipment
2 or the services provided and may not be based on the number of
3 traffic citations issued or the revenue generated by the
4 system.

5 (n) The Illinois Department of Transportation shall adopt
6 rules to implement the administrative adjudication of
7 violations under this Section which take place within a highway
8 construction or maintenance zone under its jurisdiction. The
9 Illinois State Toll Highway Authority shall adopt rules to
10 implement the administrative adjudication of violations under
11 this Section which take place within a highway construction or
12 maintenance zone under its jurisdiction.

13 (625 ILCS 7/55 new)

14 Sec. 55. Construction of Act. If any Section, sentence,
15 clause, or part of this Act is for any reason held to be
16 unconstitutional, such decision shall not affect the remaining
17 portions of this Act. The General Assembly hereby declares that
18 it would have passed this Act, and each Section, sentence,
19 clause, or part thereof, irrespective of the fact that one or
20 more Sections, sentences, clauses, or parts might be declared
21 unconstitutional."